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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/986,936

11/13/2001

Petri Koskelainen

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01/14/2005

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EXAMINER

SHAH, KAMINI S

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |   |  |  |
|--|---|--|--|
| <p align="center"><b>Office Action Summary</b></p> | <p><b>Application No.</b></p> <p>09/986,936</p> | <p><b>Applicant(s)</b></p> <p>KOSKELAINEN ET AL.</p> |  |
|  | <p><b>Examiner</b></p> <p>Kamini S Shah</p>     | <p><b>Art Unit</b></p> <p>2142</p>                   |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/28/03 IDS.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/28/03, 11/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2,4-10-15,19-24,26-34 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al 6,167,449 in view of Rosenberg et al., "SIP: Session Initiation Protocol", Internet Engineering Task Force, cited by applicant.

4. Regarding to claimed invention, Arnold teaches, the invention that gives an application an ability to search or browse for network services based on the type of service, rather than having to know the name or location of the service of underlying network communication protocol used by the service. The system includes a network look-up procedure that allows client applications to access SIP servers; including

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Domain Name Service (DNS) and Lightweight Directory Access Protocol (LDAP), as well as Service Location Protocol (SLP), running on top of the Transport Control Protocol/Internet Protocol (TCP/IP). The system includes interface for receiving request for type of service and queries on of the SIP server, the service type includes DNS, FTP, AFP, Mail and etc. The system includes an interface, which is configured to enable client devices to select and request several types of application form SIP servers, from any receiving request, identifying type of request redirecting request from appropriate type of application from SIP servers, form any domain (DNS) or location of the servers (SLP). Even though, Arnold does not specifically discussed means and steps as claimed, but receiving request, identifying type of request redirecting request from appropriate type of service in accordance with the request are implicitly disclose in Arnold, see abstract, and col.3, lines 23-col.4, lines 1-25. Arnold teaches invention as disclosed but does not specifically disclose load-balancing mechanism for a given service and given stream of that service. Rosenberg et al teaches Session Initiation Protocol as an application-layer control protocol that can establish, modify and terminate multimedia sessions such as Internet telephony calls. Also, for locating prospective session participants, SIP relies on infrastructure of network host (called "proxy servers") to which user agents can send registrations, invitations to sessions and other requests. It would have been obvious to one of the ordinary skill in the art at the time of invention to utilize the teaching of SIP protocol of Rosenberg et al because it will provide efficient load-balancing mechanism for a given service and given stream of that service.

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5. Claims 3, 16-18, 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Rosenberg as applied to claims directly above, and further in view of Ahuja et al. 6,175,869.

6. Ahuja et al teaches a technique for server allocation, which includes dispatch mechanisms for dispatching request to servers based on the servers load (col. 1, line 38-col.2, line 13; col. 2, lines 42-col. 3, line 20 and col. 4, line 64-col. 6, line 67). It would have been obvious to include such mechanisms of notion of mechanisms with Arnold in view of Rosenberg for redirecting clients request base of server work load in order to balance load to improving network service efficiency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah  
Primary Examiner  
Art Unit 2142

kss